



# State Water Resources Control Board



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**Arnold Schwarzenegger**  
Governor

January 27, 2006

To: Mailing List  
February 1, 2006 Board Meeting Item 8

**AMENDED PROPOSED ORDER: ADOPTING CEASE AND DESIST ORDER AND DENYING PETITIONS FOR RECONSIDERATION –UNITED STATES BUREAU OF RECLAMATION AND DEPARTMENT OF WATER RESOURCES, SOUTHERN SACRAMENTO-SAN JOAQUIN DELTA**

Thank you for your timely comments on Item 8 of the State Water Resources Control Board's (State Water Board) agenda for its February 1, 2006 Board meeting. After reviewing the comments, staff has made certain amendments to its proposed order, which is enclosed. The amendments are intended to clarify the order, respond to certain comments, and provide supplemental citations to the administrative record. As compared to the December 30, 2005 version, deletions are shown on the attached version of the order in strikethrough text. Additions are shown in underlined text.

The amendments are summarized below. Page numbers refer to the January 27, 2006 version.

- Page 3: Editorial changes were made for clarification purposes.
- Page 5: The words "Salinity Levels" replace the words "Water Conditions" for clarification and citations were added.
- Pages 7 through 10: In the first paragraph on page 7, the words "jointly and severally responsible" are replaced with "each fully responsible" and "EC" is changed to "salinity." The following two paragraphs were deleted and replaced by an introductory paragraph to a new Figure 2. Figure 2 was added on pages 9 and 10 to clarify the history of southern Delta salinity issues.
- Page 16: A footnote was added to the second paragraph in response to San Luis and Delta Mendota Water Authority's January 24, 2006 comments on the draft Order, in addition to other minor editorial changes.
- Page 17, second full paragraph: The word "violation" is replaced by the word "exceedance."
- Page 18: A sentence was added to the end of the first paragraph to clarify the purpose of the Cease and Desist Order and the word "consistently" is added to the last sentence of the next paragraph, before the quotation.
- Page 19: The word "violations" was replaced by the word "exceedances" in the third paragraph.
- Pages 20-24: Editorial changes were made for clarification purposes and to clarify the order.

- Page 25: In the first full paragraph, the words “jointly and severally responsible” were replaced with “each fully responsible” and the word “violations” was replaced by the word “exceedances.”
- Page 26: The sentence “They should consider all potential means of compliance.” was added for clarification.
- Pages 28-31: Substantive changes were made regarding the use of Joint Points of Diversion (JPOD).
- Page 31-36. Edits were made to reflect changes in the preceding pages of the draft Order as well as for clarification purposes.
- Pages 38-39: The requirement for the USBR and DWR to be in compliance with all of the conditions of their water right permits and license for the previous twelve months, with exceptions, in order to use JPOD was deleted and replaced with a requirement to meet all of the conditions on their water right permits and license, with no exceptions, at the time of the JPOD operation.

Sincerely,

*ORIGINAL SIGNED BY*

Victoria A. Whitney  
Division Chief

Enclosures

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January 27, 2006 Transmittal of Draft Order Re: Delta Salinity Hearing Board Agenda Item

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